

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BERNADETTE DOWNS, o/b/o A.W.,  
Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner  
of the Social Security Administration,  
Defendant.

CIVIL ACTION  
No. 14-0669

ORDER

AND NOW, this 5<sup>th</sup> day of April 2016, upon careful and independent consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review [Doc. No. 10], Defendant's Response [Doc. No. 14], and Plaintiff's Reply [Doc. No. 15], the administrative record [Doc. No. 7], and the Report and Recommendation of United States Magistrate Judge Henry S. Perkin [Doc. No. 18], to which there were no objections, it is hereby **ORDERED** that:

1. The Report and Recommendation [Doc. No. 18] is **APPROVED** and **ADOPTED** for the reasons set forth therein; and
2. Plaintiff's request for relief is **GRANTED** in part and **DENIED** in part, as set forth in the Report and Recommendation;<sup>1</sup>
3. The case is **REMANDED** to the Commissioner in accordance with the fourth sentence of 42 U.S.C. §405(g) and in accordance with the Report and Recommendation;

It is so **ORDERED**.

BY THE COURT:

  
CYNTHIA M. RUFÉ, J.

<sup>1</sup> The R & R found substantial evidence supported the ALJ's determination that A.W.'s severe asthma did not meet the criteria listed in 103.03C. However, the R & R found that the ALJ's determination that A.W.'s condition did not medically equal a listing was not supported by substantial evidence, as it discounted evidence that A.W.'s severe asthma imposed limitations in the domains of Interacting and Relating with Others and Moving Around and Manipulating Objects for the wrong reasons. The Court agrees with the well-reasoned R & R.